

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH C. MCKNIGHT,
#95411

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

3:10-cv-0259-LRH-VPC

ORDER

On July 30, 2010, plaintiff filed a complaint in this action (docket #9) as directed by the court in its order dated July 13, 2010 (docket #6). On August 30, 2010, plaintiff filed a motion to amend complaint to add an additional defendant (docket #12). Plaintiff's motion is granted. Plaintiff has thirty (30) days from entry of this Order in which to file an amended complaint. Plaintiff is advised that in order to add any defendants or claims he must file an amended complaint that sets forth all claims against all defendants. Plaintiff's motion to amend (docket #12), by itself, is insufficient and does not serve to amend his complaint. In the amended complaint, plaintiff should specifically identify each defendant to the best of his ability, clarify what constitutional right he believes each defendant has violated and support each claim with factual allegations about each defendant's actions. There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a

1 defendant's actions and the claimed deprivation. *Rizzo v. Goode*, 423 U.S. 362 (1976); *May v. Enomoto*,
2 633 F.2d 164, 167 (9th Cir. 1980); *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978). Plaintiff's
3 claims must be set forth in short and plain terms, simply, concisely and directly. *See Swierkeiwicz v.*
4 *Sorema N.A.*, 534 U.S. 506, 514 (2002); Fed. R. Civ. P. 8.

5 Plaintiff is informed that the court cannot refer to a prior pleading in order to make
6 plaintiff's amended complaint complete. Local Rule 15-1 requires that an amended complaint be
7 complete in itself without reference to any prior pleading. This is because, as a general rule, an amended
8 complaint supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Once
9 plaintiff files an amended complaint, the original pleading no longer serves any function in the case.
10 **Therefore, in an amended complaint, as in an original complaint, each claim and the involvement**
11 **of each defendant must be sufficiently alleged.**

12 Regarding plaintiff's other pending motions, plaintiff has filed a motion for copies of
13 various pretrial documents (docket #4), as well as two motions for service of process (docket #s 5, 11).
14 These motions are premature; the case has not yet been screened pursuant to the Prison Litigation
15 Reform Act (PLRA), 28 U.S.C. § 1915(e)(2), and defendants have not had an opportunity to respond.
16 These motions are denied without prejudice.

17 Plaintiff also filed two duplicative motions to extend the prison copy work limit (docket
18 #s 7, 13), in which he seeks additional copies for future copying needs that have yet to be identified.
19 First, these motions request additional copies for a *habeas corpus* proceeding; however, this is a civil
20 rights action. To the extent that plaintiff intended to seek additional copies in this action, these motions
21 are premature and are denied without prejudice.

22 **IT IS THEREFORE ORDERED** that plaintiff's motion to amend complaint (docket
23 #12) is **GRANTED**.

24 **IT IS FURTHER ORDERED** that plaintiff will have **thirty (30) days** from the date that
25 this Order is entered to file his amended complaint. The amended complaint must be a complete
26 document in and of itself, and will supersede the original complaint in its entirety. Any allegations,

1 parties, or requests for relief from prior papers that are not carried forward in the amended complaint
2 will no longer be before the court.

3 **IT IS FURTHER ORDERED** that plaintiff shall clearly title the amended complaint
4 as such by placing the words "FIRST AMENDED" immediately above "Civil Rights Complaint
5 Pursuant to 42 U.S.C. § 1983" on page 1 in the caption, and plaintiff shall place the case number, **3:10-**
6 **CV-00259-LRH-VPC**, above the words "FIRST AMENDED" in the space for "Case No."

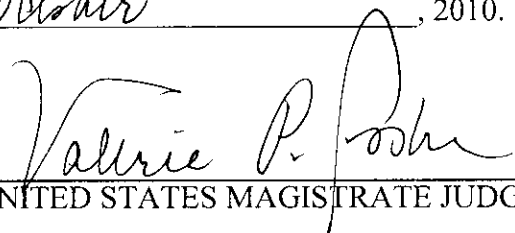
7 **IT IS FURTHER ORDERED** that if plaintiff does not timely file an amended complaint
8 in compliance with this order, this case may be immediately dismissed.

9 **IT IS FURTHER ORDERED** that the Clerk shall send to plaintiff a blank section 1983
10 civil rights complaint form with instructions along with one copy of the complaint filed July 30, 2010
11 (docket #9).

12 **IT IS FURTHER ORDERED** that plaintiff's motion for copies of pretrial documents
13 (docket #4), as well as two motions for service of process (docket #s 5, 11) are **DENIED** without
14 prejudice.

15 **IT IS FURTHER ORDERED** that plaintiff's two motions to extend the prison copy
16 work limit (docket #s 7, 13) are **DENIED** without prejudice.

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18 DATED this 19th day of October, 2010.

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20 
21 Valerie P. Pook
22 UNITED STATES MAGISTRATE JUDGE
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